



U.S. Department of Justice

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United States Attorney

Southern District of New York

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86 Chambers Street  
New York, New York 10007

October 17, 2007

BY FACSIMILE

Honorable John G. Koeltl  
 United States District Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

Re: Aguilar v. Immigration and Customs Enforcement, et al.  
 07 Civ 8224 (JGK) (FM)

Dear Judge Koeltl:

We write respectfully in response to plaintiffs' order to show cause seeking to conduct ~~USDS~~ expedited discovery in connection with the above-referenced action, which asserts claims for injunctive relief and damages based on the alleged violation of plaintiffs' Fourth Amendment rights during home searches conducted by defendant Immigration and Customs Enforcement Division of the United States Department of Homeland Security ("ICE").<sup>1</sup> 10/16/07

As we mentioned at the hearing on plaintiffs' application for a temporary restraining order, defendants intend to move to dismiss plaintiffs' claim for injunctive relief for lack of standing and failure to state a valid claim for injunctive relief. Given that standing is a threshold issue, and to avoid piecemeal motion practice, we believe that it makes sense to consolidate defendants' standing motion with plaintiffs' motion for expedited discovery. We therefore respectfully request that defendants have thirty days, until Friday, November 16, 2007, to submit our opposition to plaintiffs' motion for expedited discovery and defendants' cross-motion to dismiss plaintiffs' claim for injunctive relief, together with a cross-motion to stay discovery pursuant to Federal Rule of Civil Procedure 26(c).

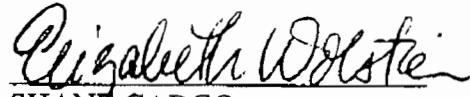
<sup>1</sup> This Office has not yet obtained authority to represent the ICE employees sued for damages in their individual capacities.

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Thank you for your consideration of this matter.

Respectfully submitted,  
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